

IN RE: PETITION FOR ZONING VARIANCE
NE/S Ross Street, 150' SE of
Woodward Drive
(606 Ross Street)
15th Election District
5th Councilmanic District
William R. Bialek
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-324-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance in which the Petitioner requests variances from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: from Section 1802.3.C.1 to permit a buildable lot with a width of 50 feet in lieu of the required 55 feet, and from Section 303.1 to permit a front yard setback of 30 feet in lieu of the required 40 feet, for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioner, William R. Bialek, appeared and testified. Also appearing on behalf of the Petitioner was his son, William R. Bialek, Jr. There were no Protestants.

Testimony indicated that the subject property, known as 606 Ross Street, consists of 7,500 sq.ft. more or less, zoned D.R. 5.5, and is presently unimproved. William Bialek testified that he resides on the adjoining property, known as 608 Ross Street, and that he owns both the subject property and the property on the opposite side of him, known as lot 12, or 610 Ross Street. Mr. Bialek is desirous of giving the subject property to his son for purposes of constructing a single family dwelling on this lot. Mr. Bialek testified that the requested variances are necessary in order to develop this lot due to its narrow width. He testified that the variance requested for the front yard is needed to allow for

future improvements in the rear yard, such as a garage and/or swimming pool. Mr. Bialek introduced Petitioner's Exhibit 1 which indicates that the subject property is part of an older subdivision in Essex which was developed with 50-foot wide lots. Petitioner's Exhibit 1 also reflects that there are other homes on this particular street which actually sit closer to the road than the dwelling proposed herein. Testimony indicated that to require strict compliance with the B.C.Z.R. would result in practical difficulty and unreasonable hardship for the Petitioner. Further testimony indicated that the Petitioner has spoken with his neighbors who have no objections to his plans.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Solvy, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented,

- 2 -

it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of April, 1992 that the Petition for Zoning Variance from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: from Section 1802.3.C.1 to permit a buildable lot with a width of 50 feet in lieu of the required 55 feet, and from Section 303.1 to permit a front yard setback of 30 feet in lieu of the required 40 feet, for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotroco
TIMOTHY M. KOTROCO

ORDER RECEIVED FOR FILING
Date 4/9/92
By kgp

- 3 -

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

April 9, 1992

(410) 887-4386

Mr. William R. Bialek
608 Ross Street
Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE
NE/S Ross Street, 150' SE of Woodward Drive
(606 Ross Street)
15th Election District - 5th Councilmanic District
William R. Bialek - Petitioner
Case No. 92-324-A

Dear Mr. Bialek:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

THK:bjs

cc: People's Counsel

file

ORDER RECEIVED FOR FILING
Date 4/9/92
By kgp

Petition for Variance

to the Zoning Commissioner of Baltimore County 92-324-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1, 303.1, to allow a buildable lot with a width of 50 ft. and a front yard setback of 30 ft. in lieu of the required 55 ft. and 40 ft. (maximum) respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
RECEIVED LOT FROM MY FATHER/MOTHER AND SINCE I WANT MY HOME IN THE AREA AND COULD NOT AFFORD PROPERTY WHICH IS NOT READILY OR FINANCIALLY AVAILABLE. REQUEST large back yard for possible future plans such as: large swimming pool, vegetable garden, swing set for children. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Legal Owner(s): William D. Bialek
(Type or Print Name)
William D. Bialek
Signature
N/A
(Type or Print Name)
N/A
Signature

Address
City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

606 Ross Street
Address
Baltimore, MD 21221
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
William D. Bialek
Name
608 Ross Avenue 410-484-4914
Address

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING - 1/2 HR. + 1 HR.

DATE 4/9/92

ALL REVIEWED BY DATE 2/28/92

ZONING DESCRIPTION FOR 606 Ross Street
(Address)
Beginning at a point on the Northeast side of Ross street on which property fronts, which is 50 feet wide at the distance of 175 feet (number of feet of right-of-way width) (number of feet) (north, south, east or west) of the centerline of the nearest improved intersecting street Woodward (name of street) which is 50' wide. *Being Lot (number of feet of right-of-way width) (number of feet) (north, south, east or west) Block 111, Section 916 in the subdivision of Essex (name of subdivision) as recorded in Baltimore County Plat Book 1141, Folio 123. Also known as containing 7500 sq. ft. 172 acres. Also known as 606 Ross St. and located in the 15 Election District. (property address)

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 12th Date of Posting 4/1/92
Posted for: William Bialek
Petitioner: William Bialek
Location of property: NE/S Ross St. 150' SE of Woodward Dr.
Location of Sign: 606 Ross St.
Remarks: presently owned by Petitioner
Posted by: William Bialek Date of return: 3/28/92
Number of Signs: 1

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 on the following:
Case Number: 92-324-A
160' Ross Street, 150' SE of Woodward Drive
15th Election District
5th Councilmanic District
Petitioner: William R. Bialek
Hearing Date: Thursday, April 2, 1992 at 2:00 p.m.
Variances: to allow a buildable lot with a width of 50 feet and a front yard setback of 30 feet in lieu of the required 55 feet and 40 feet (maximum) respectively.
LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
N/A/9151 March 12

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 12, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 12, 1992.

THE JEFFERSONIAN,

S. Zake Olson
Publisher

\$70.33

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 on the following:
Case Number: 92-324-A
160' Ross Street, 150' SE of Woodward Drive
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LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
N/A/9151 March 12

CERTIFICATE OF PUBLICATION

March 12, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 12, 1992.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zake Olson
Publisher

\$70.33

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date

Account: R-001-6150
Number

Cashier Validation

Please Make Checks Payable to Baltimore County

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date

Account: R-001-6150
Number

Cashier Validation

Please Make Checks Payable to Baltimore County \$35.00
CA 001130A002-28-92

DATE: 3/17/92

William D. Bialek
606 Ross Street
Baltimore, Maryland 21221

RE:
CASE NUMBER: 92-324-A
NE/S Ross Street, 150' SE of Woodward Drive
606 Ross Street
15th Election District - 5th Councilmanic
Petitioner(s): William R. Bialek

Dear Petitioner(s):

Please be advised that \$ 75.33 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

MARCH 6, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-324-A
NE/S Ross Street, 150' SE of Woodward Drive
606 Ross Street
15th Election District - 5th Councilmanic
Petitioner(s): William R. Bialek
HEARING: THURSDAY, APRIL 2, 1992 at 2:00 p.m.

Variance to allow a buildable lot with a width of 50 feet and a front yard setback of 30 feet in lieu of the required 55 feet and 40 feet (maximum) respectively.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: William D. Bialek
William R. Bialek

Mr. William R. Bialek
606 Ross Street
Baltimore, MD 21221

RE: Item No. 340, Case No. 92-324-A
Petitioner: William R. Bialek
Petition for Variance

Dear Mr. Bialek:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Your petition has been received and accepted for filing this 28th day of February, 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received by:

W. Carl Rebeck Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: William R. Bialek

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: March 10, 1992

FROM: Gary L. Kerns, Chief
Comprehensive and Community Planning
Office of Planning and Zoning

SUBJECT: Connolly Property, Item No. 331
Connolly Property, Item 330
Wagandt Property, Item 345
Wilson Property, Item 344
Dieter Property, Item 342
Levenson Property, Item 337
Bialek Property, Item 340
O'Neill Property, Item 324

In reference to the applicant's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

GLK/JL:rdn
ITEM331/TXTROZ

RECEIVED
MAR 11 1992
ZONING OFFICE

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: WILLIAM R. BIALEK

Location: #606 ROSS STREET

Item No.: 340 Zoning Agenda: MARCH 10, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. Amy Dwyer* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

RECEIVED
MAR 5 1992
ZONING OFFICE

BALTIMORE COUNTY
ECONOMIC DEVELOPMENT COMMISSION
Memorandum

TO: Julie Winiarski
Office of Zoning Administration and
Development Management

FROM: A. J. Haley, Deputy Director
Economic Development Commission

DATE: March 4, 1992

RE: Zoning Advisory Comments for Meeting of March 10, 1992

This office has no comment for items 336, 337, 340, 341, 342, 344, 345 and 346.

c: Ken Nohe

RECEIVED
MAR 5 1992
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: March 13, 1992

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for March 10, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 337, 340, 341, 342, 344, 345 and 346.

For Item 336, the previous County Review Group Comments still apply.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

RECEIVED
MAR 17 1992
ZONING OFFICE

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: April 8, 1992

TO: Mr. Arnold Sablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

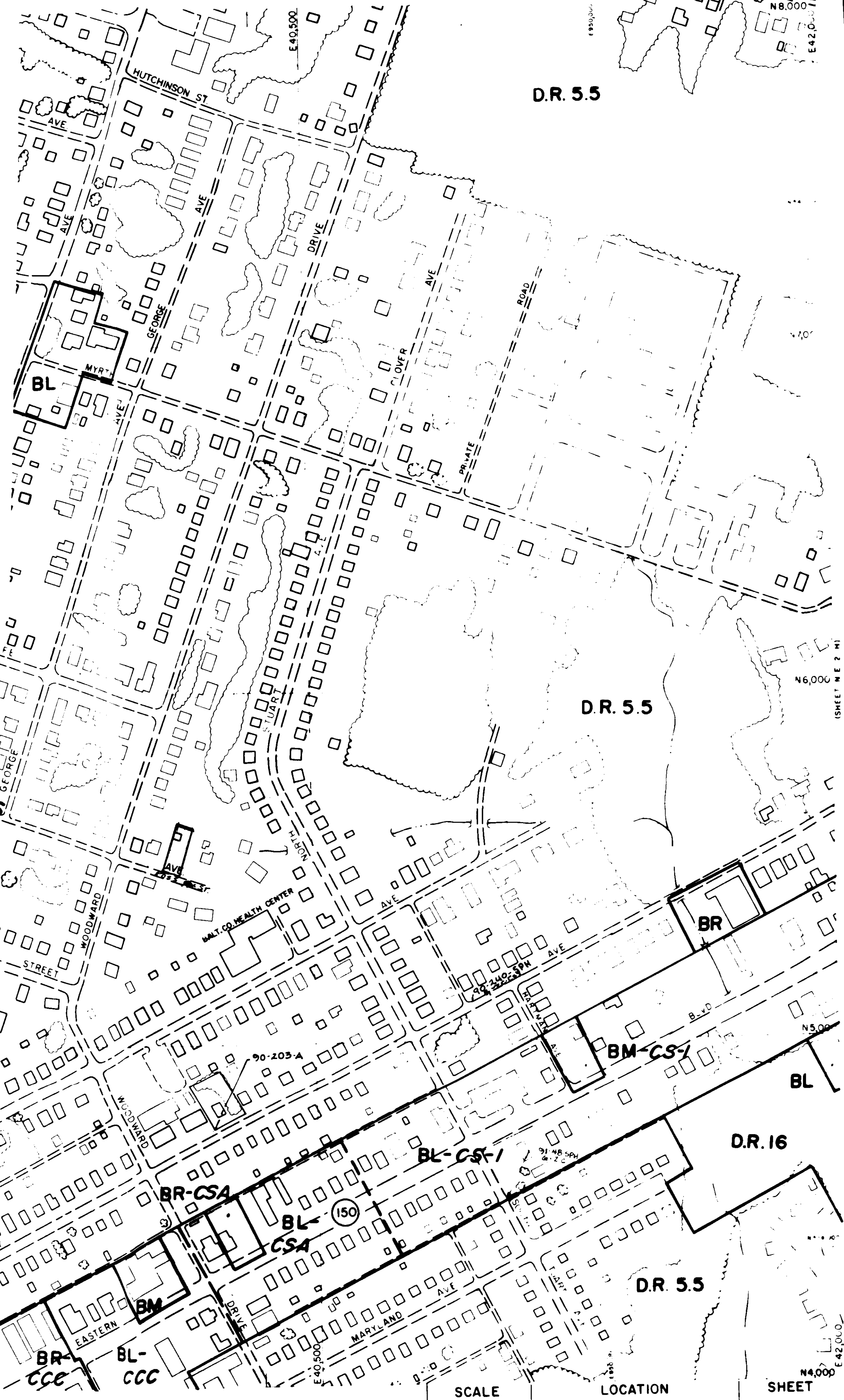
SUBJECT: D.A.C. Comments

D.A.C. MEETING DATE: March 10, 1992

This office has no comments for item numbers 336, 337, 340, 342, 344,
345 and 346.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RECEIVED
APR 9 1992
ZONING OFFICE



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986
LOCATION
ESSEX
SHEET
NE
2-G

92-324-A #340

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

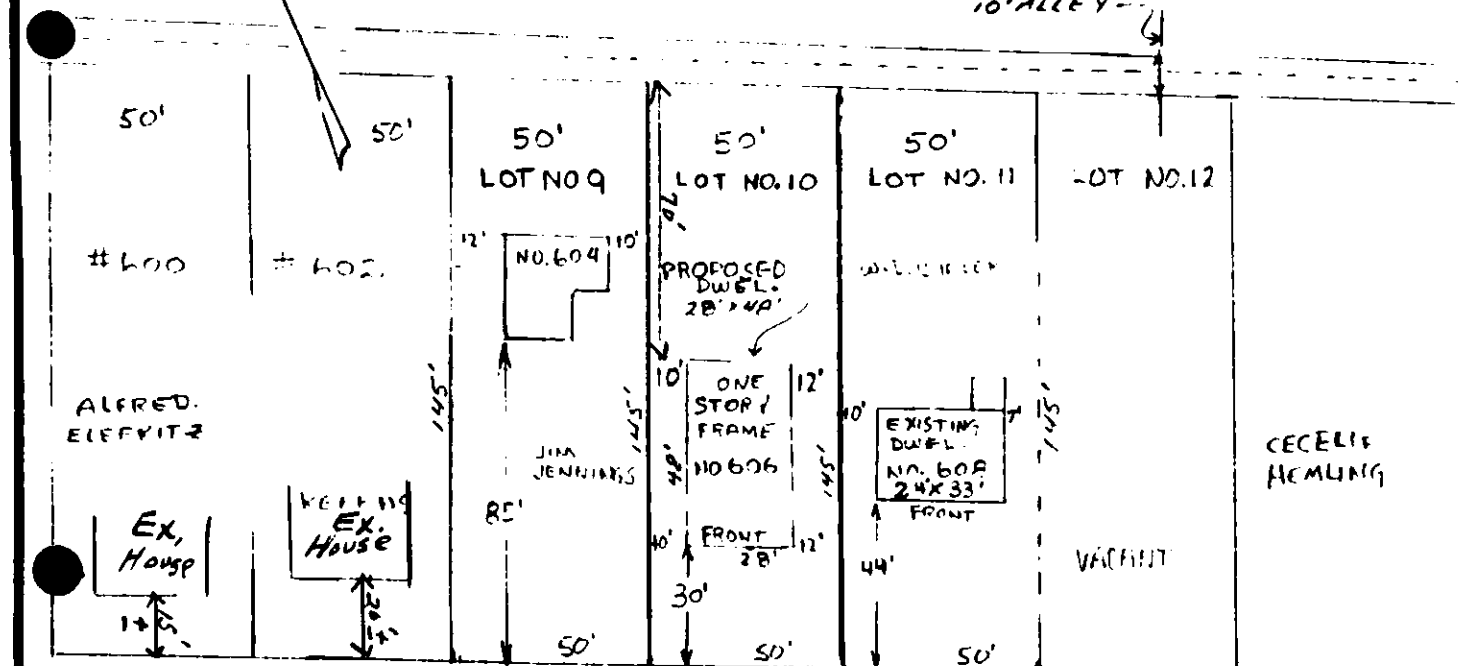
PROPERTY ADDRESS: 606 ROSS ST.

Subdivision name: ESSEX

plat book # 14, folio # 23, lot # 77, section # C

OWNER: WILLIAM R. BIALEK

Petitioner's Ex #1



LOCATION INFORMATION

Councilman's District: 5TH

Election District: 15TH

1"=200' scale map: NE 2-G

Zoning: D.R. 5.5

Lot size: 172,500 square feet

SEWER: ☐

WATER: ☐

Chesapeake Bay Critical Area: ☐

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASEP:

340

North
date: prepared by: W. D. BIALEK
Scale of Drawing: 1" = 50'

92-324-A

COUNTY
3 AND ZONING
IIC MAP

92-324-A

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986
LOCATION
ESSEX
SHEET
NE
2-G